

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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UNITED STATES

v.

FRANK MACHADO DA SILVA

Cr. No. 04-40032-PDS

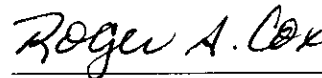
DEFENDANT'S SENTENCING MEMORANDUM

The defendant, as he must, abides by the terms of his Plea Agreement, and is in agreement with both the Agreement and the Presentence Report that the applicable sentencing range is 15-21 months under the U.S. Sentencing Guidelines.

The defendant and the United States are in agreement that the sentence imposed should be 15 months, at the low end of the Guidelines range, and that all other terms and conditions set forth in the Plea Agreement are applicable and enforceable.

The defendant makes no separate argument pursuant to *Booker* for a sentence outside the now non-mandatory Guidelines range, being bound by the terms of his Plea Agreement.

Respectfully submitted,



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Attorney for Frank Da Silva

DATED: April 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Memorandum has been served by prepaid first-class mail upon AUSA Paul Casey, 595 Main Street, Worcester, MA 01608, this 26th Day of April, 2005. Roger A. Coz